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EXAMINER

MAESTRI, PATRICK J

ART UNIT

PAPER NUMBER

3633

NOTIFICATION DATE

DELIVERY MODE

10/15/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### **DETAILED ACTION**

This Office Action is in response to the Amendment dated July 26, 2010.

Currently, claims 1-6, and 14-20 are pending in the application. Claim 20 has been withdrawn as depending from a cancelled claim.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 10 of claim 16 recites "when the reinforcement is...". There is not a direct relation to an action following the "when". Usually a "when" statement is followed by an action statement such as "When A is achieved, then B is performed."

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**4. Claims 1-3, 5, 6, 14-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eischeid (US Patent No 5,644,885).**

Referring to claim 1: Eischeid teaches a first anchor bolt configured to be installed projecting outside of a concrete frame (figure 15, item 12); a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (figure 15, item 16); and a connecting part that connects the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (figure 15, item 17), the connecting part extends radially from the first anchor bolt to and past the second anchor bolt (figure 15), the second anchor bolt being located in a radial center of the connecting part, thereby reducing the bending moment that is exerted locally on the connecting part when a load is applied on the first anchor bolt (figure 15). Eischeid does not specifically teach at least the second anchor bolt and the connecting part are integrally molded. However, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight.

Referring to claim 2: Eischeid teaches all the limitations of claim 1 as noted above.

Additionally, Eischeid teaches a planar configuration of the connecting part is made to

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be a polygonal or circular shape, thereby increasing the compressive force transfer area (figure 16).

Referring to claim 3: Eischeid teaches all the limitations of claim 1 as noted above.

Additionally, Eischeid teaches the connecting part is formed to have top and bottom surfaces of a polygonal or circular shape, and the second anchor bolt is positioned at the center of the connecting part (figure 16).

Referring to claims 5, 6, and 19: Eischeid teaches all the limitations of claim 1 as noted above. Eischeid does not specifically teach diameters of the anchor bolt being equal or different. However, it would have been obvious to someone with ordinary skill in the art at the time of the invention to choose specific diameters based on load requirements. It is common practice to design an anchor to meet its holding requirements.

Referring to claim 14: Eischeid teaches a first anchor bolt installed projecting outside of a concrete frame (item 12); a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (item 16); and a connecting part for connecting the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (item 17), wherein the connecting part and second anchor bolt are formed together in a T-shape configuration, and the first anchor bolt is placed at an edge of the connecting part (figure 15).

Referring to claim 15: Eischeid teaches all the limitations of claim 14 as noted above. Additionally, Eischeid teaches at least one of the first anchor bolt and second anchor bolt is removably attached to the connecting part (figure 15, item 16).

**5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eischeid in view of Kubler et al. (US Patent No 6,604,899) (“Kubler”).**

Referring to claim 4: Eischeid teaches all the limitations of claim 1 as noted above. Eischeid does not teach the connecting part has an injection hole for an adhesive and an air hole. However, Kubler teaches an adhesive and air hole in an anchor bolt (figure 1).

It would have been obvious to someone with ordinary skill in the art at the time of the invention to combine the anchor bolt as taught by Eischeid with the air and adhesive holes as taught by Kubler in order to add adhesive to the connection and completely seal out any moisture that could penetrate the connection and cause a crack in the concrete.

**6. Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reintjes (US Patent No 2,879,660).**

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Referring to claim 1: Reintjes teaches a first anchor bolt configured to be installed projecting outside of a concrete frame (figure 17) a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (figure 17, item 8); and a connecting part that connects the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being attached to the connecting part (figure 17), the connecting part extends radially from the first anchor bolt to and past the second anchor bolt (figure 17), the second anchor bolt being located in a radial center of the connecting part, thereby reducing the bending moment that is exerted locally on the connecting part when a load is applied on the first anchor bolt (figure 17). Reintjes does not specifically teach at least the second anchor bolt and the connecting part are integrally molded. However, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177USPQ 326, 328 (CCPA 1973). Reintjes teaches the bolts and connector are integral in the final assembly state since the bolts are threaded into the connector. Additionally, the method of forming the device (molded) is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight.

Referring to claim 14: Reintjes teaches a first anchor bolt installed projecting outside of a concrete frame (figure 17); a second anchor bolt that is eccentrically positioned to the axis of the first anchor bolt (item 8); and a connecting part for connecting the first anchor bolt and the second anchor bolt, the first anchor bolt and the second anchor bolt being

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attached to the connecting part (figure 17), wherein the connecting part and second anchor bolt are formed together in a T-shape configuration, and the first anchor bolt is placed at an edge of the connecting part (figure 17). The T-shape of Reintjes is lopsided, however it is still a T-shape.

### ***Allowable Subject Matter***

7. Claims 16-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph of claim 16, set forth in this Office action.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-7, 14, 15, and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK MAESTRI whose telephone number is (571)270-7859. The examiner can normally be reached on 9am-4pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633

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Examiner, Art Unit 3633